

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2391 - SB 2343

March 12, 2016

SUMMARY OF BILL: Requires a court to order relief pursuant to Tenn. Code Ann. § 36-3-606 (scope of protection order) if a party to a divorce files for an order of protection.

Requires, rather than permits, a court to include in a protection order to protect a petitioner from domestic abuse, stalking, or sexual assault, from one or more of the following:

- Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner's minor children;
- Prohibiting the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
- Prohibiting the respondent from stalking the petitioner, as defined in Tenn. Code Ann. § 39-17-315;
- Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both;
- Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;
- Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties;
- Awarding financial support to the petitioner and such persons as the respondent has a duty to support;
- Directing the respondent to attend available counseling programs that address violence and control issues or substance abuse problems;
- Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household;
- Directing the respondent to immediately and temporarily vacate a residence shared with the petitioner, pending a hearing on the matter, notwithstanding any provision of this part to the contrary; or
- Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- It is assumed that the additional orders of protection that may be sought as a result of the bill will not significantly impact the operations of the courts.
- The Administrative Office of the Courts confirms that the bill will not significantly impact the courts.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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